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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,602	05/17/2004	Julius Long	longcip	3601
26496	7590	06/28/2005	EXAMINER	
GREENBERG & LIEBERMAN 314 PHILADELPHIA AVE. TAKOMA PARK, MD 20912			GORMAN, DARREN W	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

C

Office Action Summary	Application No. 10/709,602	Applicant(s) LONG, JULIUS	
	Examiner Darren W. Gorman	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/17/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “giant muffler” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. The drawings are further objected to because both pages of drawings submitted fail to meet the minimum margin requirements as specified by 37 CFR 1.84(g). As such, portions of Figures 1-3 have been cut off from the pages.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference numbers 15, 16, 60, 65, 100, 130, 140, 150, 250, 260, 265, 270, 280 and 311 as described in the specification, are not in the drawings as submitted. Several of the numbers listed above may

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have been cut off from the drawing pages due to the margin problem as described above in paragraph 2 of this Office Action.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are further objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference numbers 196 and 330 are shown in the drawings but are not mentioned in the specification as submitted.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

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accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Abstract

5. The abstract of the disclosure is objected to because it contains spelling and grammatical errors as detailed below:

- On line 1, “for” should be deleted.
- On line 2, “embodiement” should be replaced with --embodiment--.
- On lines 3-4, “or pipe if needs cooling” is not a grammatically correct phrase in the context of the sentence.
- On line 9, --out-- should be inserted between “put” and “architectural”.
- On lines 12-13, the sentence “This is essentially a mechanism or means that one way inject water into flow of the fumes” is completely unclear. In the context of the entire disclosure, the Examiner can find nothing with regard to injecting water into fumes.
- On line 12, the use of the word “means” is improper in the Abstract. Legal phraseology such as “means” and said” should be avoided.

Appropriate correction is required. See MPEP § 608.01(b).

Claim Suggestions

6. The Examiner suggests the following changes to the claims for clarity purposes:

- On line 1, “An” should be replaced with --A--.
- On line 4, --the-- should be inserted between “from” and “jet engine”.

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- On line 7, “way” should be replaced with --away--.
- On line 10, “effect” should be replaced with --affect--.

Claim Objections

7. Claim 1 is objected to because of the following informalities:

- The claim appears to be written with an improper preamble. The preamble is directed to a “fire extinguishing system” which would normally indicate that the claim is directed to an apparatus, however the body of the claim recites method steps. Since the metes and bounds of the claim are directed to method steps, the claim will be treated on the merits as a method claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The recitation “running the fumes from a jet engine through a giant muffler” and the recitation “cooling the fumes down from jet engine in the muffler” are not adequately supported

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in the specification as filed. There is nothing in the disclosure that would reasonably convey to one skilled in the art how such a muffler would actually perform the recited method steps. In fact, with the exception of the abstract, the specification as filed does not even mention a “giant muffler”.

The recitation “sucking the heat and oxygen way from the fire” is not adequately supported in the specification as filed. The specification discloses “The present invention is used to displace the oxygen from over the fire” (see paragraph [0007]) and that “the fumes are passed on out through the dispenser guns and onto the fire. The pressure from the exhaust is used to blow the oxygen away from the fire.” (see paragraph [0009]). There is nothing in the disclosure that adequately supports “sucking” the heat and oxygen away from the fire.

Further, the recitation “wherein a trailer is employed to effect the motorized power needed to accomplish the aforementioned” is not adequately disclosed in the specification as filed. The functions of the trailer as disclosed in the specification do not include all of the “aforementioned” method steps recited in the claim. For example, there is nothing in the specification that supports the claim that the trailer affects motorized power to accomplish “running the fumes from a jet engine through a giant muffler or radiator” or “cooling the fumes down from jet engine in the muffler or radiator”.

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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11. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- On line 2, the recitation “the fumes” lacks antecedent basis.
- On lines 2-3, the recitation “a giant muffler” is unclear. What exactly is a “giant muffler”? How exactly would this “giant muffler” perform the recited method step of “cooling the fumes down from jet engine” as recited on line 4?
- On line 7, the recitation “sucking the heat and oxygen way from the fire” is unclear in view of the specification. According to the specification, “The present invention is used to displace the oxygen from over the fire” (see paragraph [0007]), and “...the fumes are passed on out through the dispenser guns and onto the fire. The pressure from the exhaust is used to blow the oxygen away from the fire” (see paragraph [0009]). This seems to contradict the recited method step since “sucking”, and “blowing” or “displacing” are exact opposites.
- On lines 10-11, the recitation “the motorized power” lacks antecedent basis.
- Further, the recitation “wherein a trailer is employed to effect the motorized power needed to accomplish the aforementioned” is completely unclear. How does a trailer affect motorized power needed to accomplish the method steps recited on lines 2-9? The Examiner requests detailed clarification from Applicant on this issue.

For purposes of examination, the claim will be examined as best understood by the Examiner.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Cramer, USPN 5,918,679.

Cramer discloses a fire suppression and extinguishing system and method of fire control, wherein the combustion exhaust gases from an internal combustion engine or a turbine (10), having been depleted of oxygen due to the nature of the combustion process in the engine, are directed through a heat exchanger or exchangers (22, 26) to cool the exhaust fumes, whereby the fumes are directed to the source of a fire, or potential source of a fire, to create a cooled and oxygen depleted atmosphere that is incapable of supporting fire or combustion (see column 1, lines 39-67, column 2, lines 1-5, and column 2, lines 32-52), i.e. replacing the heat and oxygen associated with a fire condition, with a non-combustible gas.

As to the limitation, “wherein a trailer is employed to effect the motorized power needed to accomplish the aforementioned”, Cramer further discloses that the invention is suitable for use with internal combustion engines usable on mobile vehicles including, “ships, ship holds, airplanes, vehicles, trains, tank trucks, air tankers and other movable things” (see column 5, lines 33-36). Therefore Cramer teaches a trailer (which is considered a “vehicle”) employed to effect motorized power used to perform the method steps (as understood by the Examiner), or in the alternative, it would have been obvious to one having ordinary skill in the art to employ a trailer

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as the mobile vehicle to effect motorized power used to perform the method steps, as desired by the user for specific purposes where a trailer is the most desired movable vehicle option.

Conclusion

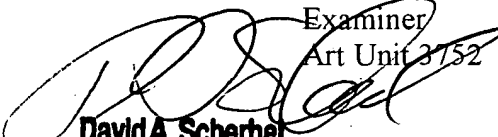
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patents to Vasilenko et al., Sobolev et al., Colodner et al., Poulsen, Bennett, and Cramer, are cited as of interest.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Gorman whose telephone number is 571-272-4901. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4901. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DWG 6/23/05
DWG
June 23, 2005

Darren W Gorman
Examiner
Art Unit 3752

David A. Scherbel
Supervisory Patent Examiner
Group 3700